REMARKS

In accordance with the foregoing, claims 1, 4 and 6 have been amended. Claims 1-13 are pending and under consideration, No new matter is included in this amendment. The Examiner's rejections are traversed below.

The 35 U.S.C. §102(e) Rejection:

At page 2 of the Office Action, claims 1-13 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,745,463 to Maegawa et al.

Claim 1 has been amended to recite "controlling a level of write power of the laser diode in accordance with a size of a present mark to be recorded on the recording medium and a size of at least one of a leading space of the present mark to be recorded and a trailing space of the present mark to be recorded; and writing the present mark on the optical recording medium using the controlled level of write power of the laser diode, wherein: the level of the write power increases with increasing size of the present mark to be recorded."

Regarding claim 1, the Examiner refers particularly to col. 8, lines 20-40, of Maegawa et al., which includes a description of FIGS. 1A and 1B. Nothing in col. 8, lines 20-40, discloses that "the level of the write power increases with increasing size of the present mark to be recorded," as recited in claim 1.

Claims 2 and 3 are deemed to be patentable at least for similar reasons set forth above regarding claim 1.

Regarding claims 4, Maegawa et al. do not disclose "setting a level of write power of the laser diode in accordance with a size of a present mark of the input data and a size of at least one of a leading space of the present mark and a trailing space of the present mark, where the setting level of the write power increases with increasing mark size."

Claims 5 and 6 are deemed to be patentable at least for similar reasons set forth above regarding claim 1.

Regarding claim 6, Maegawa et al. do not disclose "increasing power of overwrite pulses in accordance with a size of a present mark of the input data and a size of at least one of a leading space of the present mark and a trailing space of the present mark."

Regarding claim 7, Maegawa do not disclose "a discriminator which discriminates at least one of a mark size and a relationship between preceding and following spaces of input

data and accordingly sets a power level which increases according to the mark size based on the discriminated mark size."

Regarding claim 8, although a table of the application, FIG. 5, shows different values of write power to be tried in a trial writing mode, there is no disclosure of any correlation between the power levels in FIG. 5 and a mark size of the input data.

Claim 9 is deemed to be patentable at least for similar reasons set forth above regarding claim 8.

Claim 10-13 are deemed to be patentable at least for similar reasons set forth above regarding claims 7 and 8.

Conclusion:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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